

# HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2015 Iowa Acts, chapter 137, section 149(1)(f)(1), as amended by 2016 Iowa Acts, House File 2460, section 27, the Department hereby amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment increases the home health low utilization payment adjustment (LUPA) rates by 2.93 percent. This is estimated to be the maximum possible increase within the \$1 million of state funding appropriated for this purpose, as required by 2015 Iowa Acts, chapter 137, section 149(1)(f)(1), as amended by 2016 Iowa Acts, House File 2460, section 27.

The Council on Human Services adopted this amendment on November 9, 2016.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the aforementioned legislative act directs the Department to increase rates to the extent possible within the \$1 million of state funding appropriated for that purpose.

Pursuant to Iowa Code sections 17A.5(2)“b”(1)(a) and (b), the Department also finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective November 15, 2016, because legislation permits emergency rule making and the rule confers a benefit on the public as the amendment increases reimbursement rates for home health agency services based on Medicare low utilization payment adjustment (LUPA) rates.

This amendment is also published herein under Notice of Intended Action as **ARC 2847C** to allow for public comment.

This amendment does not provide for waivers in specified situations since the increases are required by state law.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4 and 2015 Iowa Acts, chapter 137, section 149(1)(f)(1), as amended by 2016 Iowa Acts, House File 2460, section 27.

The Administrative Rules Review Committee reviewed this amendment on November 14, 2016.

This amendment became effective November 15, 2016.

The following amendment is adopted.

Amend subrule **79.1(2)**, provider category “Home health agencies,” as follows:

| <u>Provider category</u>  | <u>Basis of reimbursement</u>  | <u>Upper limit</u>   |
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| Home health agencies  |  |  |
| 1. Skilled nursing, physical therapy, occupational therapy, speech therapy, home health aide, and medical social services; home health care for maternity patients and children | Fee schedule. See 79.1(26). For members living in a nursing facility, see 441—paragraph 81.6(11)“r.” | <del>Effective 7/1/13: Medicare LUPA rates in effect on July 1, 2013, updated July 1 every two years. Effective 7/1/16:</del> <u>Medicare LUPA rates in effect on 6/30/16 plus a 2.93% increase.</u> |
| 2. Private-duty nursing and personal cares for members aged 20 or under   | Retrospective cost-related. See 79.1(27)   | Effective 7/1/13: Actual and allowable cost not to exceed a maximum of 133% of statewide average.  |
| 3. Administration of vaccines   | Physician fee schedule   | Physician fee schedule rate.   |

[Filed Emergency 11/14/16, effective 11/15/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/7/16.